

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARINDAM BANERJEE and JOGESH  
HARJAI, Individually and on  
Behalf of All Others Similarly  
Situated,

Plaintiffs,

v.

AVINGER, INC., JEFFREY M.  
SOINSKI, MATTHEW B. FERGUSON,  
DONALD A. LUCAS, JOHN B.  
SIMPSON, JAMES B. MCELWEE,  
JAMES G. CULLEN, THOMAS J.  
FOGARTY, CANACCORD GENUITY,  
INC., COWEN AND COMPANY LLC,  
OPPENHEIMER & CO., BTIG,  
STEPHENS INC., AND DOES 1  
through 25, inclusive,

Defendants.

Case No. 17-cv-03400-CW

ORDER TO SHOW CAUSE REGARDING  
AMENDED CONSOLIDATED CLASS  
ACTION COMPLAINT

On March 19, 2018, Plaintiffs filed an Amended Consolidated Class Action Complaint for Violations of the Federal Securities Laws. It appears, however, that this document was not filed within twenty-one days after service of the November 21, 2017 Consolidated Class Action Complaint; within twenty-one days after service of Defendants' January 26, 2018 motion to dismiss; with the written consent of Defendants; or with leave of Court. See Fed. R. Civ. P. 15(a)(1), (2).

Within seven days after the filing of this order, Plaintiffs must correct the deficiency in the filing of the Amended Consolidated Class Action Complaint. Otherwise, the Court shall strike the Amended Consolidated Class Action Complaint and Plaintiffs' response to Defendants' pending motion to dismiss

1 shall remain due on April 3, 2018.

2 IT IS SO ORDERED.

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4 Dated: March 22, 2018



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CLAUDIA WILKEN  
United States District Judge

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